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C O N F I D E N T I A L SECTION 01 OF 03 BANGKOK 001653

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SUBJECT: PROBLEMS FOR THAI FOREIGN MINISTER KASIT -
SUMMONED IN CONJUNCTION WITH AIRPORT SEIZURE IN LATE 2008

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Classified By: DCM James F. Entwistle, reason 1.4 (b,d)

Summary and comment:

1. (C) Thai Foreign Minister Kasit Piromya is again under scrutiny for his role in the late 2008 protests which shut down Bangkok's airports for eight days. On July 1 Royal Thai Police quietly issued a summons to Kasit and several dozen other leading People's Alliance for Democracy figures for involvement in the late November demonstrations that closed Bangkok's two major airports; those summoned face an array of possible charges, including terrorism. After reporting to police July 6, Kasit refused to resign, despite his earlier statement last February that he would step down if officially accused of a crime in relation to the demonstrations. Kasit went on national TV later July 6 vowing to fight the charge of terrorism to the end. For now, Prime Minister Abhisit, as well as the Democrat party, appear to be standing behind Kasit, while the political opposition tries to capitalize on this new crack in Abhisit's government. Legal issues aside, however, pressure appears to be mounting on Kasit to step down, with public opinion at least for now turning against him. While there is not unanimity among contacts inside Government House and those close to Kasit, many now believe he will eventually resign, but likely not before the upcoming July 17-23 ASEAN-ARF meetings in Phuket.

2. (C) Comment: This is precisely not the kind of development Thailand needed two weeks before the ASEAN related Ministerials. Kasit and Abhisit have worked assiduously to rebuild Thailand's international reputation and recover after the dual waves of yellow-shirt and red-shirt demonstrations that postponed one ASEAN summit last December and derailed the makeup in April. We have found Kasit a strong advocate of our bilateral relationship with Thailand, a supporter of U.S. interests, more active on Burma than any Thai Foreign Minister since 2000, and working hard to restore morale at the foreign ministry.

3. (C) Comment continued: However, Kasit, although an effective and professional diplomat, has no one to blame but himself for his potential legal predicament; since the beginning, he has been dismissive of the seriousness of the airport take over charges. Kasit's fate is an internal Thai

matter; our internal review last December did not conclude the PAD action violated international norms in the absence of Thai legal action. Regardless, the fact that Thai legal authorities have brought any charges at all in conjunction with the airport seizure is a positive sign about the Thai system of justice. We believe Kasit is likely to stay on at least through the ASEAN-ARF meetings later in the month and that we should continue to plan on Secretary Clinton having a bilateral meeting with him. What happens after that remains unclear. End summary and comment.

Airport seizure redux: Kasit as liability

¶4. (SBU) PM Abhisit's woes are again mounting as Thailand attempts to host another high level bilateral meeting. News of police summons to FM Kasit Piromya and 52 other PAD demonstrators in connection with the closure of Bangkok's two major airports last November broke July 6 after Kasit reported to the police station for questioning. Kasit was specifically named in conjunction with the demonstration at Suvarnabhumi International Airport. Although the charges the PAD figures face are numerous, the most serious are those relating to terrorism. According to Thai law, a summons is the start of a long investigative process that could lead to an indictment. Typically, the process takes months to complete -- after charges are read to the accused at the summons, the police begin an investigation, the results of which are passed to a prosecutor, who decides whether to seek an indictment.

¶5. (U) In our conversations with Kasit's office, as well as on television and in press statements, Kasit has been steadfast in his refusal to resign over the summons. His

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aides told us last week he would fight the charges, and in a televised press statement, he said he would only consider tendering his resignation if the Office of the Attorney General decided to bring the case to court. Given the pace of Thai justice, any determination by the Attorney General could take many months.

The real issue is politics

¶6. (SBU) From the beginning of the Abhisit administration in December 2008, Kasit's participation in PAD rallies during the airport takeover were seen as a real liability. Kasit did not lead the PAD takeover action, but he did speak on stage. In denying the terrorism charges, he said that the only weapons he took to the rally were "my mouth, brain, and pen."

¶7. (SBU) Of more immediate concern to Kasit, as well as Abhisit, are the political ramifications of the summons in the face of the upcoming ARF meeting and constant speculation about the longevity of the cobbled-together coalition. The opposition Puea Thai (PT) party has wasted no time in digging-up a recording of Kasit's February vow to resign if he were to receive a summons; PT has presented letters to Prime Minister Abhisit and Democrat party advisor Chuan Leekpai asking them to dismiss Kasit. Puea Thai spokesperson Prompong Nopparit also threatened to submit a letter to ASEAN Secretary General Surin Pitsuwan regarding Kasit during the upcoming Phuket ASEAN-ARF meetings July 17-23.

PM and Party support

¶8. (SBU) Up to this point, PM Abhisit and the Democrats have stood behind Kasit. Immediately after the summons was issued, Abhisit announced that he had no immediate plans to ask for Kasit's resignation, that the FM should stay in office to fight the charges, and that Kasit should be afforded the opportunity to defend himself. Deputy Prime

Minister Suthep Thuagsuban, the Democracy Party Secretary General, told us last August that he and Kasit had been friends for 40 years; Suthep publicly insisted that Kasit would not be removed from office. Suthep rationalized that the airport seizure had occurred before Kasit had assumed his cabinet post; Kasit had done nothing wrong after assuming the position.

¶9. (SBU) Not all of Abhisit's endorsements have been iron-clad, however. Abhisit cited a recent ABAC poll that indicated most of those who wanted Kasit to resign (60 percent polled) felt that Kasit should remain through the ASEAN-ARF meetings - raising the issue of what would happen after the Ministerial. Abhisit also said he would make a decision about Kasit before waiting for a formal indictment, indicating Abhisit was weighing the political liabilities of keeping Kasit on.

PAD Defense

¶10. (U) The PAD (yellow shirts) has been more forthright in its support of Kasit, and as well as all the demonstration leaders charged in conjunction with the airport seizures. PAD leader Suriyasai Katasila assert that the airport take over was a legal demonstration against an illegitimate government and an expression of free speech. A lawyer for the PAD said the terrorism charge was groundless, and that the group intended to file a formal complaint against both Abhisit and Suthep -- ironically Kasit's political sponsors -- for dereliction of duty in not preventing police from issuing the summons, and allowed them to abuse power by exaggerating claims against the PAD. The PAD lawyer, Suwat Apaipak, alleged that since the seizures caused no damage to aviation, the charges were baseless.

What is the Thai law? Unclear

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¶11. (SBU) Section 135 of the Thai Penal Code includes, in offences related to terrorism: offenses that cause serious damage to a public transportation system; damage to properties or facilities belonging to the state resulting in major economic loss; and offences that raise civil unrest with the intention to intimidate a population or threaten or compel the Thai government from undertaking or abstaining from some act. It appears to also contain a clause that indicates that demonstrations, gatherings, or protests calling for the government's assistance, or fair treatment, which are legal under the Thai constitution, are not to be considered terrorism related offences.

Prospects for the future - unclear

¶12. (C) Two civil servants in Government House -- the Deputy Secretary to the Prime Minister and the Advisor to the Prime Minister on Foreign Affairs -- asserted to us July 10 that Kasit's position is difficult and getting worse. They cited growing concern about the government popularity, characterized Kasit's summons as a liability, and expressed doubt that he would be able to stay in office through the October ASEAN summit. Not all insiders agreed, however; Panitan Wattanayagorn, Government Spokesperson and Deputy Secretary-General, suggested to us that Kasit could stay on until the public prosecutor submitted its case to the court, at which time the government would consider Kasit's status. Panitan was optimistic Kasit could survive the mounting pressure.

¶13. (C) Some of our European colleagues have expressed the view that it would now be inappropriate for their ministers to meet with Kasit. We do not share their view and believe it perfectly appropriate for Secretary Clinton to meet with

Kasit, a long time friend of the U.S., in Phuket.

¶14. (SBU) Note: Kasit has been out of the country since the controversy erupted, on a trip to New Zealand from July 7-12.

He returns to Bangkok for only a day before traveling to Egypt for the NAM summit July 14-18, and will preside over the ASEAN Ministerial and related ARF sessions in Phuket July 19-23.

JOHN